

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH CASE NO. 2013090529

v.

ANAHEIM CITY SCHOOL DISTRICT,

ANAHEIM CITY SCHOOL DISTRICT,

OAH CASE NO. 2013100117

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING DISTRICT'S
MOTION TO CONSOLIDATE

On September 16, 2013, Student filed a Request for Due Process Hearing (complaint) in OAH case number 2013090529 (First Case), naming the Anaheim City School District (District).

On October 1, 2013, the District filed a complaint in OAH case number 2013100117 (Second Case), naming Student. The District concurrently filed a motion to consolidate its case with Student's case. The District states that the issues in the two cases overlap and that the case will involve similar witnesses, evidence, factual contentions, and legal arguments.

On October 2, 2013, Student filed a notice of non-opposition to the District's motion.

DISCUSSION

Although no statute or regulation specifically provides a standard to be applied in deciding a motion to consolidate special education cases, OAH will generally consolidate matters that involve: a common question of law and/or fact; the same parties; and when consolidation of the matters furthers the interests of judicial economy by saving time or preventing inconsistent rulings. (See Gov. Code, § 11507.3, subd. (a) [administrative proceedings may be consolidated if they involve a common question of law or fact]; Code of Civ. Proc., § 1048, subd. (a) [same applies to civil cases].)

Here, the First Case and Second Case involve common questions of law or fact, specifically, whether the District offered Student a free appropriate public education in its recent IEP offer to Student wherein the District sought to exit Student from special

education. Student does not oppose the consolidation of the two cases. Consolidation of these matters furthers the interests of judicial economy because given the overlapping issues in the cases. Accordingly, consolidation is granted.

ORDER

1. The District's Motion to Consolidate is granted.
2. All dates previously set in OAH Case Number 2013100117 [Second Case] are vacated.
3. The 45-day timeline for issuance of the decision in the consolidated cases shall be based on the date of the filing of the complaint in OAH Case Number 2013090529 [First Case].
4. Student's case [First case] shall be the lead case for this matter.

Dated: October 8, 2013

/s/

DARRELL LEPKOWSKY
Administrative Law Judge
Office of Administrative Hearings